

Amendments to the Claims

This listing replaces all prior versions and listings of claims in the application.

Listing of Claims

1. (Currently Amended) A DNA comprising a nucleotide sequence of a mutated *TipA* gene promoter where a mutation of a CAGCGT sequence to a TATAAT sequence is introduced into a -10 region sequence of a *TipA* gene promoter, ~~which has a nucleotide sequence of SEQ ID NO: 107, wherein (a)~~ the mutated *TipA* gene promoter ~~being is~~ capable of thiostrepton-independent and constitutive expression of a gene located downstream thereof; and (b) said nucleotide sequence is selected from the group consisting of SEQ ID NO: 169 and SEQ ID NO: 170.

2.-3. (Cancelled)

4. (Currently Amended) A constitutive expression vector for a bacterium belonging to the genus *Rhodococcus* comprising: a promoter sequence for the constitutive expression of a foreign gene, the promoter sequence being a the nucleotide sequence of DNA according to claim 1; a ribosome-binding site sequence located downstream of the promoter sequence; and a multiple-cloning site sequence capable of incorporating a foreign gene therein, located downstream of the ribosome-binding site sequence.

5. (Currently Amended) The constitutive expression vector for a bacterium belonging to the genus *Rhodococcus* according to claim 4, wherein the vector is selected from the group consisting of pNit-RT1 ~~having a nucleotide sequence represented by of~~ SEQ ID NO: 101, pNit-RT2 ~~having a nucleotide sequence of~~ SEQ ID NO: 102, pNit-RC1 ~~having a nucleotide sequence of~~ SEQ ID NO: 105, pNit-RC2 ~~having a nucleotide sequence of~~ SEQ ID NO: 106, pNit-QT1 ~~having a nucleotide sequence of~~ SEQ ID NO: 99, pNit-QT2 ~~having a nucleotide~~

~~sequence of SEQ ID NO: 100, pNit-QC1 having a nucleotide sequence of SEQ ID NO: 103, and pNit-QC2 having a nucleotide sequence of SEQ ID NO: 104.~~

6. (Previously Presented) The expression vector according to claim 4, wherein the bacterium belonging to the genus *Rhodococcus* is selected from the group consisting of *R. erythropolis*, *R. fascians*, and *R. opacus*.

7. (Previously Presented) The expression vector according to claim 5, wherein the vector further comprises a DNA region necessary for the autonomous replication of a plasmid for *Escherichia coli*, and is capable of replication in *Escherichia coli*.

8. (Previously Presented) A transformant comprising an expression vector according to claim 5.

9. (Previously Presented) A method of producing a recombinant protein at a temperature ranging from 4°C to 35°C by using an expression vector according to claim 5.